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To: Planning Commission
From: Loren Gordon, City Planner
Date: Oct. 6, 2022
Subject: Change Memo for the Oct. 6th Planning Commission meeting

ITEM 8B – Dunibar Court

The attached correspondence was submitted after distribution of the packet.



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October 5, 2022

City of Minnetonka Planning Commission
14600 Minnetonka Boulevard
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VIA EMAIL

Re: Opposition to Dunibar Court Application

Dear Chair Sewall and Planning Commissioners:

Our firm represents the Dunibar Ridge Homeowners Association (“Dunibar Ridge”). The families that live in the Dunibar Ridge neighborhood will be negatively impacted by the proposed use of Dunibar Ridge Road as the sole access point for the proposed Dunibar Court Project (the “Project”). The Project is before the City Planning Commission tomorrow evening, October 6. We respectfully request that this letter be made part of the administrative record for the Project along with our previous correspondence regarding 17809 Ridgewood Road (the “Property”).

Our clients have been closely following the evolution of the Project. We believe that it is important to express that Dunibar Ridge is not opposed to the development of the Property. Dunibar Ridge supports the addition of housing in Minnetonka, but as proposed, the use of Dunibar Ridge Road to facilitate the Project will dramatically impact existing residents’ quality of life, safety, and will change the character of a long-established neighborhood.

The negative and very real impacts of a new cul-de-sac off of Dunibar Circle are highlighted by the personal testimony of the Dunibar Ridge residents provided to the Planning Commission and City staff in advance of the October 6 public hearing. Prior to submission of the development application for the Property (the “Application”), Dunibar Ridge contacted City staff and provided clear examples of the ongoing traffic, safety, and snow management issues in the neighborhood. Increased use of the Dunibar cul-de-sac as proposed will exacerbate the ongoing issues the neighborhood encounters daily. It is essential for the Planning Commission to understand that the existing cul-de-sac in Dunibar Ridge is overburdened as built. As proposed, it is our position that the Project is inconsistent with the City’s Comprehensive Plan (“Comp Plan”), subdivision ordinance and surrounding community.

I. *The Application is inconsistent with the 1999 Approvals.*

The staff report summarizes the development approvals related to the Dunibar Ridge subdivision. The 1999 approvals are inconsistent with the Application. The original concept plan did contemplate expansion of the Dunibar Ridge neighborhood and access of the Property through a secondary cul-de-sac. But the secondary cul-de-sac proposed in 1999 is substantially

different than what is proposed here. The 1999 site plan shows the second cul-de-sac further north and functionally separate from the existing cul-de-sac. Cul-de-sacs in small residential communities are designed to slow and limit the number of cars within a neighborhood. The Dunibar Ridge cul-de-sac is not designed to serve as a traffic circle with five points of entry.

Furthermore, the 1999 plans provided for more roadway prior to eventual termination in a second cul-de-sac. Having a longer roadway between the two Projects is important for providing accessibility to on-street parking. The amount of congestion within the Dunibar Ridge neighborhood is well demonstrated in the photographs submitted by the residents to staff and this Commission. Placing two cul-de-sacs so close together servicing nine (9) homes with limited driveway parking as built will have significant impacts on the whole of the Dunibar Ridge neighborhood.

When the original Dunibar Ridge PUD was approved, the City required a declaration to be recorded on all properties providing notice of future development. This declaration was only recorded against two Dunibar Ridge properties. Accordingly, the majority of the homeowners within Dunibar Ridge invested in the neighborhood with the understanding and belief that they would benefit from the existing street layout. Research reflects that neighborhoods and homes, like those on Dunibar Ridge Road, attract a premium value because they are designed around a single cul-de-sac.¹ These residents invested in the neighborhood with the reasonable expectation that the cul-de-sac would be maintained as constructed.

II. *The Application is inconsistent with the Comprehensive Plan.*

The City's Comp Plan is clear- existing neighborhoods should be preserved and new development must be compatible with existing uses. The Comp Plan guarantees that the City will maintain "the integrity of existing single-family neighborhoods" and that they shall "be preserved through the careful management of land use transitions and impacts between potential conflicting uses." And while the Comp Plan is clear that the City should endeavor to expand its housing stock, it also highlights that development must be sustainable and protect the city's natural resources.

As proposed, the Application does not preserve the integrity of or limit impact to the Dunibar Ridge neighborhood. The use of the existing cul-de-sac will be detrimental to the character of the existing neighborhood based on the very real traffic and safety impacts described in the letters submitted to the Planning Commission by our clients. Furthermore, this Application cannot move forward without removing over 150 trees - just under 50 percent of the regulated trees on the Property. This is inconsistent with theme six of Minnetonka's growth strategy - that new development and redevelopment must be balanced to protect the City's "highly valued water and woodland resources." To be clear, these are not trees that are diseased, invasive, or

¹ Asabere, Paul, *The Value of a Neighborhood Street Reference to a Cul-de-Sac*, The Journal of Real Estate Finance and Economics (1991, Vol. 3).

tagged for removal. High priority trees are trees that are “important to the site and the neighborhood character” and are “structurally sound and healthy.”

III. *The Application does not meet the design standards required by the City’s subdivision ordinance.*

The subdivision ordinance requires that the “arrangement, character, extent, width and location” of proposed streets must be consistent with the Comp Plan. It further requires that “streets must be designed and located with consideration to existing and planned streets, reasonable circulation patterns, topographical conditions, stormwater runoff, public conveyance, and safety.” As described above, the Application is inconsistent with the housing and sustainability goals of the Comp Plan.

The Application is not designed with the impacts to the existing cul-de-sac or streets in mind. The installation of another roadway on the cul-de-sac will eliminate nearly all on-street parking for existing residents. Traffic will come from the proposed Project, existing homes, the existing roadway, and from two driveways all centered in a cul-de-sac that is not large enough for a school bus to turn around in. The proposed expansion of the cul-de-sac with a second private road with multiple lots reduces already limited parking, creates potentially hazardous traffic patterns, and further overburdens the existing cul-de-sac.

Where a subdivision ordinance specifies standards to which a proposed plat must conform, it is arbitrary as a matter of law for the City to deny approval of a plat which complies in all respects with the subdivision ordinance.² But here, the testimony and evidence presented by Dunibar Ridge establishes that the plat as submitted does not meet the street design standards outlined by City ordinance. For this reason, in addition to those described throughout this letter, it is reasonable for the Planning Commission to recommend denial of the Application.

IV. *Difficult site conditions must be addressed by potential developers, impacts cannot fall solely on existing neighborhoods*

While the Property is nearly 7.5 acres, much of that includes wetlands and undevelopable steep slopes. Wetlands run along Ridgewood Road and limit expansion of the existing driveway. Any proposed development of the Property must take into account the existing environmental conditions including wetlands, floodplains, slopes and vegetation - this is a difficult property to develop. However, site complications should not be endured by existing neighborhoods, they must be addressed by a prospective developer within the constraints of the existing site.

For these reasons, we strongly object to the Project as currently proposed and urge the Planning Commission to recommend denial of the Project and to direct the Developer to work with staff to

² Nat'l Capital Corp. v. Vill. of Inver Grove Heights, 301 Minn. 335, 337, 222 N.W.2d 550, 552 (1974).

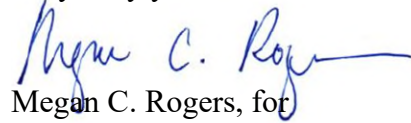
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bring forward a project that is consistent with the City's policies and the law, and will not adversely impact the Dunibar Ridge neighborhood.

Very truly yours,



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